

ENTERED

August 09, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

JOSE ANGEL RAMIREZ

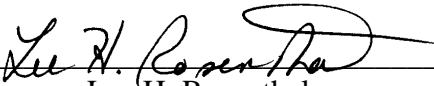
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CRIMINAL ACTION NO. H-09-00029-15

ORDER

On June 6, 2016, the defendant, Jose Angel Ramirez, filed a motion requesting a preliminary reduction of the sentence he received following his conviction. He based his request on *Johnson v. United States*, 135 S. Ct. 2551 (2015), in which the Supreme Court struck as unconstitutionally vague the residual clause of the Armed Career Criminal Act, 18 U.S.C. § 924(e). Angel Ramirez was not convicted or sentenced under 18 U.S.C. § 924(e), and he did not receive an enhancement to the Guideline sentence under U.S.S.G. § 4B1.4. He is not eligible to have his sentence retroactively reduced on the basis enhancement made to the Guideline computations in his case. Therefore, his case is not eligible for a retroactive reduction of sentence on the basis of *Johnson* and related cases.

SIGNED on August 9, 2016, at Houston, Texas.



Lee H. Rosenthal
United States District Judge